

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1.

REMARKS

This paper is presented in response to the non-final official action dated May 12, 2008, wherein (a) claims 1, 2, and 5-15 were pending, (b) the drawings were objected to, (c) the specification was objected to, (c) claim 7 was rejected under 35 USC 112, 2nd paragraph, for indefiniteness, (d) claims 1, 2, 5, and 9-11 were rejected under 35 USC 102(a) as obvious over Freeman, et al. US 5,214,275 ("Freeman") in view of Lovato, et al. US 7,208,888 B2 ("Lovato"), (e) claims 6-8 were objected to but deemed allowable in substance, and (f) claims 12-15 were allowed.

The issues raised in the official action are addressed below in the order appearing in the action.

Drawings

The drawings were objected to because the arrow from the control device 6 to the sensor 8 in Fig. 1 should be from the sensor 8 to the control device 6.

A corrected drawing sheet is submitted herewith in order to overcome the objection.

Reconsideration and withdrawal of the objection to the drawings is solicited.

Specification

The disclosure was objected to due to an error at page 10 of the specification, and due to an allegation that the disclosure lacks section headings.

In response, the specification has been amended at page 10 to correct the error appearing at line 24..

With respect to section headings, the examiner is referred to the preliminary amendment filed April 10, 2006, wherein section headings throughout the specification were provided.

Reconsideration and withdrawal of the objection to the drawings is solicited.

Claim Rejections – 35 USC 112

Claim 7 has been rejected as indefinite, as it is allegedly unclear how the wavelength of the light color is optimized to be as energetic as possible.

This rejection is respectfully traversed, as it is not understood. The examiner is referred to the description of the invention in the specification, in particular at page 7, line 3 through page 10, line 2, for an explanation of operation of the invention fully enabling the subject matter recited in claim 7.

It is axiomatic that it is a function of a patent claim to define distinctions between the claimed invention and the prior art, rather than to provide an enabling disclosure of the claimed invention (the enabling disclosure of which is found in the description). If the rejection is based on an allegation that the description does not provide an enabling disclosure of the subject matter of claim 7, a rejection under 35 USC 112, 1st paragraph (which has not been raised), would be appropriate.

In view thereof, reconsideration and withdrawal of the rejection of claim 7 under 35 USC 112, 2nd paragraph is solicited.

Claim Rejections – 35 USC 103

Claims 1, 2, 5, and 9-11 have been rejected as obvious over Freeman in view of Lovato. This rejection is traversed on the basis that Lovato is not prior art with respect to the rejected claims.

The present application is the US national phase of PCT/EP2005/004330 filed April 22, 2005, and claims the convention priority of DE 10 2004 024 367.0 ("the German priority application") filed May 17, 2004.

Lovato issued April 24, 2007, subsequent to the present application's April 22, 2005, international filing date, and has no 35 USC 102(e) date (it is the US national phase of French language PCT/FR03/03433 filed May 25, 2005).

Lovato's U.S. patent application publication no. 2006/0071613 A1 published April 6, 2006, also subsequent to the present application's April 22, 2005, international filing date.

Lovato's counterpart WIPO publication WO 2004/062141 (copy attached) published July 22, 2004, prior to the present application's April 22, 2005, international filing date but subsequent to the present application's claimed May 17, 2004, German priority date. Thus, if rejected claims 1, 2, 5, and 9-11 find support in

the German priority document, they are entitled to an effective US filing date of May 17, 2004, and antedate the Lovato WO publication.

Attached hereto are copies of (a) the German priority application; (b) the WO 2005/114774 A2 publication of PCT/EP2005/004330 (i.e., the present application), which is identical in disclosure to (a), and an English translation of (b) (and, therefore, of (a)). The submitted translation is an accurate translation of (b) (and, therefore, of (a)), and is substantially identical to the translation filed upon entry of the US national phase in the present application.

The submitted translation contains full support for rejected claims 1, 2, 5, and 9-11.

Therefore, reconsideration and withdrawal of the obviousness rejection of those claims are earnestly solicited.

Conclusion

For all the foregoing reasons, it is submitted that all claims 1, 2, and 5-15 are of proper scope and in proper form for allowance, and such action is solicited.

Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, he or she is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

By 

James P. Zeller, Reg. No.: 28,491
MARSHALL, GERSTEIN & BORUN LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant